

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 3440 OF 2024

Suraj Santoshh Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Pradeep Dubey, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. Ram Kundgir, PSI, Bolinj Police Station.

CORAM : MANISH PITALE, J.

DATE : 18th DECEMBER, 2024.

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MALANI

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P. C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with First Information Report No.0032 of 2024, dated 08th November, 2024, registered at Police Station Bolinj, District Mira Bhayandar, Vasai Virar, for offences under Section 74 of the Bharatiya Nyaya Sanhita, 2023 (BNS).
3. The informant in the present case has described the incident that occurred in the intervening night of 02nd November, 2024 and 03rd November, 2024, involving the applicant. It is alleged that the applicant, being in relation to the informant, behaved inappropriately with her and also touched her and made certain statements giving rise to a situation that led to registration of the aforesaid offence.

4. The learned counsel for the applicant submitted that the FIR is delayed because it was registered about 5 days after the incident. It was submitted that the informant, being an educated lady, there is no explanation as to what took her 5 days to approach the police for making such serious allegations against the applicant. It was submitted that the applicant is ready to cooperate with the investigation and in the facts of the present case his physical custody may not be required.

5. The learned APP, on the other hand, submitted that the statement of the informant under Section 183 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS), has been recorded before the Magistrate, wherein she has stuck to her version and the perceived delay in registration of the FIR is also sufficiently explained. It is submitted that since ingredients of the offence are clearly made out, this Court may not show any indulgence to the applicant.

6. This Court has carefully perused the statement of the informant, leading to registration of the FIR. The description of the incident and the acts attributed to the applicant do make out a *prima facie* case against him with regard to the offence under Section 74 of BNS.

7. The statement of the informant recorded under Section 183 of the BNSS, also describes in detail the manner in which the incident took

place, thereby fortifying the claims made by the informant.

8. The aspect of delay in registration of the FIR has been considered by this Court. It is to be noted that the informant herself has stated that after the incident took place and she informed her fiancé about the same, he and his family indicated that it would be better if the matter is not precipitated further and in that backdrop it took some time for the informant to actually approach the police for registration of the FIR. Considering the fact that the applicant is in relation with the informant, the aforesaid explanation *prima facie* appears to be acceptable and merely because there was some delay in registration of the FIR, cannot inure to the benefit of the applicant.

9. The most crucial aspect in the present case is that there is not even an iota of material produced before this Court to indicate any previous enmity or rivalry between the informant and the applicant, which would indicate that the applicant could have been falsely implicated. In such a situation, considering the contents of the statement of the informant, leading to registration of the FIR, which *prima facie* discloses offence against woman, this Court is not inclined to show any indulgence to the applicant.

10. The application is dismissed.

(MANISH PITALE, J.)